

Calendar No. 554

106TH CONGRESS
2^D SESSION

H. R. 4425

IN THE SENATE OF THE UNITED STATES

MAY 17, 2000

Received; read twice and placed on the calendar

AN ACT

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated for
3 military construction, family housing, and base realign-
4 ment and closure functions administered by the Depart-
5 ment of Defense, for the fiscal year ending September 30,
6 2001, and for other purposes, namely:

7 MILITARY CONSTRUCTION, ARMY

8 For acquisition, construction, installation, and equip-
9 ment of temporary or permanent public works, military
10 installations, facilities, and real property for the Army as
11 currently authorized by law, including personnel in the
12 Army Corps of Engineers and other personal services nec-
13 essary for the purposes of this appropriation, and for con-
14 struction and operation of facilities in support of the func-
15 tions of the Commander in Chief, \$869,950,000, to re-
16 main available until September 30, 2005: *Provided*, That
17 of this amount, not to exceed \$99,961,000 shall be avail-
18 able for study, planning, design, architect and engineer
19 services, and host nation support, as authorized by law,
20 unless the Secretary of Defense determines that additional
21 obligations are necessary for such purposes and notifies
22 the Committees on Appropriations of both Houses of Con-
23 gress of his determination and the reasons therefor.

1 MILITARY CONSTRUCTION, NAVY

2 For acquisition, construction, installation, and equip-
3 ment of temporary or permanent public works, naval in-
4 stallations, facilities, and real property for the Navy as
5 currently authorized by law, including personnel in the
6 Naval Facilities Engineering Command and other per-
7 sonal services necessary for the purposes of this appropria-
8 tion, \$891,380,000, to remain available until September
9 30, 2005: *Provided*, That of this amount, not to exceed
10 \$67,502,000 shall be available for study, planning, design,
11 architect and engineer services, as authorized by law, un-
12 less the Secretary of Defense determines that additional
13 obligations are necessary for such purposes and notifies
14 the Committees on Appropriations of both Houses of Con-
15 gress of his determination and the reasons therefor.

16 MILITARY CONSTRUCTION, AIR FORCE

17 For acquisition, construction, installation, and equip-
18 ment of temporary or permanent public works, military
19 installations, facilities, and real property for the Air Force
20 as currently authorized by law, \$703,903,000, to remain
21 available until September 30, 2005: *Provided*, That of this
22 amount, not to exceed \$56,949,000 shall be available for
23 study, planning, design, architect and engineer services,
24 as authorized by law, unless the Secretary of Defense de-
25 termines that additional obligations are necessary for such

1 purposes and notifies the Committees on Appropriations
2 of both Houses of Congress of his determination and the
3 reasons therefor.

4 MILITARY CONSTRUCTION, DEFENSE-WIDE

5 (INCLUDING TRANSFER OF FUNDS)

6 For acquisition, construction, installation, and equip-
7 ment of temporary or permanent public works, installa-
8 tions, facilities, and real property for activities and agen-
9 cies of the Department of Defense (other than the military
10 departments), as currently authorized by law,
11 \$800,314,000, to remain available until September 30,
12 2005: *Provided*, That such amounts of this appropriation
13 as may be determined by the Secretary of Defense may
14 be transferred to such appropriations of the Department
15 of Defense available for military construction or family
16 housing as he may designate, to be merged with and to
17 be available for the same purposes, and for the same time
18 period, as the appropriation or fund to which transferred:
19 *Provided further*, That of the amount appropriated, not
20 to exceed \$77,505,000 shall be available for study, plan-
21 ning, design, architect and engineer services, as authorized
22 by law, unless the Secretary of Defense determines that
23 additional obligations are necessary for such purposes and
24 notifies the Committees on Appropriations of both Houses
25 of Congress of his determination and the reasons therefor.

1 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the Army National Guard, and contribu-
5 tions therefor, as authorized by chapter 1803 of title 10,
6 United States Code, and Military Construction Authoriza-
7 tion Acts, \$137,603,000, to remain available until Sep-
8 tember 30, 2005.

9 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the Air National Guard, and contributions
13 therefor, as authorized by chapter 1803 of title 10, United
14 States Code, and Military Construction Authorization
15 Acts, \$110,585,000, to remain available until September
16 30, 2005.

17 MILITARY CONSTRUCTION, ARMY RESERVE

18 For construction, acquisition, expansion, rehabilita-
19 tion, and conversion of facilities for the training and ad-
20 ministration of the Army Reserve as authorized by chapter
21 1803 of title 10, United States Code, and Military Con-
22 struction Authorization Acts, \$115,854,000, to remain
23 available until September 30, 2005.

1 MILITARY CONSTRUCTION, NAVAL RESERVE

2 (INCLUDING RESCISSIONS)

3 For construction, acquisition, expansion, rehabilita-
4 tion, and conversion of facilities for the training and ad-
5 ministration of the reserve components of the Navy and
6 Marine Corps as authorized by chapter 1803 of title 10,
7 United States Code, and Military Construction Authoriza-
8 tion Acts, \$53,004,000, to remain available until Sep-
9 tember 30, 2005: *Provided further*, That the funds appro-
10 priated for “Military Construction, Naval Reserve” under
11 Public Law 105–45, \$2,400,000 is hereby rescinded.

12 MILITARY CONSTRUCTION, AIR FORCE RESERVE

13 For construction, acquisition, expansion, rehabilita-
14 tion, and conversion of facilities for the training and ad-
15 ministration of the Air Force Reserve as authorized by
16 chapter 1803 of title 10, United States Code, and Military
17 Construction Authorization Acts, \$43,748,000, to remain
18 available until September 30, 2005.

19 NORTH ATLANTIC TREATY ORGANIZATION

20 SECURITY INVESTMENT PROGRAM

21 For the United States share of the cost of the North
22 Atlantic Treaty Organization Security Investment Pro-
23 gram for the acquisition and construction of military fa-
24 cilities and installations (including international military
25 headquarters) and for related expenses for the collective

1 defense of the North Atlantic Treaty Area as authorized
2 in Military Construction Authorization Acts and section
3 2806 of title 10, United States Code, \$177,500,000, to
4 remain available until expended.

5 FAMILY HOUSING, ARMY

6 For expenses of family housing for the Army for con-
7 struction, including acquisition, replacement, addition, ex-
8 pansion, extension and alteration and for operation and
9 maintenance, including debt payment, leasing, minor con-
10 struction, principal and interest charges, and insurance
11 premiums, as authorized by law, as follows: for Construc-
12 tion, \$198,505,000, to remain available until September
13 30, 2005; for Operation and Maintenance, and for debt
14 payment, \$953,744,000; in all \$1,152,249,000.

15 FAMILY HOUSING, NAVY AND MARINE CORPS

16 For expenses of family housing for the Navy and Ma-
17 rine Corps for construction, including acquisition, replace-
18 ment, addition, expansion, extension and alteration and
19 for operation and maintenance, including debt payment,
20 leasing, minor construction, principal and interest
21 charges, and insurance premiums, as authorized by law,
22 as follows: for Construction, \$419,584,000, to remain
23 available until September 30, 2005; for Operation and
24 Maintenance, and for debt payment, \$879,208,000; in all
25 \$1,298,792,000.

1 FAMILY HOUSING, AIR FORCE

2 For expenses of family housing for the Air Force for
3 construction, including acquisition, replacement, addition,
4 expansion, extension and alteration and for operation and
5 maintenance, including debt payment, leasing, minor con-
6 struction, principal and interest charges, and insurance
7 premiums, as authorized by law, as follows: for Construc-
8 tion, \$241,384,000, to remain available until September
9 30, 2005; for Operation and Maintenance, and for debt
10 payment, \$820,879,000; in all \$1,062,263,000.

11 FAMILY HOUSING, DEFENSE-WIDE

12 For expenses of family housing for the activities and
13 agencies of the Department of Defense (other than the
14 military departments) for construction, including acquisi-
15 tion, replacement, addition, expansion, extension and al-
16 teration, and for operation and maintenance, leasing, and
17 minor construction, as authorized by law, for Operation
18 and Maintenance, \$44,886,000.

19 BASE REALIGNMENT AND CLOSURE ACCOUNT

20 For deposit into the Department of Defense Base
21 Closure Account 1990 established by section 2906(a)(1)
22 of the Department of Defense Authorization Act, 1991
23 (Public Law 101–510), \$1,174,369,000, to remain avail-
24 able until expended: *Provided*, That not more than
25 \$865,318,000 of the funds appropriated herein shall be

1 available solely for environmental restoration, unless the
2 Secretary of Defense determines that additional obliga-
3 tions are necessary for such purposes and notifies the
4 Committees on Appropriations of both Houses of Congress
5 of his determination and the reasons therefor.

6 GENERAL PROVISIONS

7 SEC. 101. None of the funds appropriated in Military
8 Construction Appropriations Acts shall be expended for
9 payments under a cost-plus-a-fixed-fee contract for con-
10 struction, where cost estimates exceed \$25,000, to be per-
11 formed within the United States, except Alaska, without
12 the specific approval in writing of the Secretary of Defense
13 setting forth the reasons therefor.

14 SEC. 102. Funds appropriated to the Department of
15 Defense for construction shall be available for hire of pas-
16 senger motor vehicles.

17 SEC. 103. Funds appropriated to the Department of
18 Defense for construction may be used for advances to the
19 Federal Highway Administration, Department of Trans-
20 portation, for the construction of access roads as author-
21 ized by section 210 of title 23, United States Code, when
22 projects authorized therein are certified as important to
23 the national defense by the Secretary of Defense.

24 SEC. 104. None of the funds appropriated in this Act
25 may be used to begin construction of new bases inside the

1 continental United States for which specific appropria-
2 tions have not been made.

3 SEC. 105. No part of the funds provided in Military
4 Construction Appropriations Acts shall be used for pur-
5 chase of land or land easements in excess of 100 percent
6 of the value as determined by the Army Corps of Engi-
7 neers or the Naval Facilities Engineering Command, ex-
8 cept: (1) where there is a determination of value by a Fed-
9 eral court; (2) purchases negotiated by the Attorney Gen-
10 eral or his designee; (3) where the estimated value is less
11 than \$25,000; or (4) as otherwise determined by the Sec-
12 retary of Defense to be in the public interest.

13 SEC. 106. None of the funds appropriated in Military
14 Construction Appropriations Acts shall be used to: (1) ac-
15 quire land; (2) provide for site preparation; or (3) install
16 utilities for any family housing, except housing for which
17 funds have been made available in annual Military Con-
18 struction Appropriations Acts.

19 SEC. 107. None of the funds appropriated in Military
20 Construction Appropriations Acts for minor construction
21 may be used to transfer or relocate any activity from one
22 base or installation to another, without prior notification
23 to the Committees on Appropriations.

24 SEC. 108. No part of the funds appropriated in Mili-
25 tary Construction Appropriations Acts may be used for

1 the procurement of steel for any construction project or
2 activity for which American steel producers, fabricators,
3 and manufacturers have been denied the opportunity to
4 compete for such steel procurement.

5 SEC. 109. None of the funds available to the Depart-
6 ment of Defense for military construction or family hous-
7 ing during the current fiscal year may be used to pay real
8 property taxes in any foreign nation.

9 SEC. 110. None of the funds appropriated in Military
10 Construction Appropriations Acts may be used to initiate
11 a new installation overseas without prior notification to
12 the Committees on Appropriations.

13 SEC. 111. None of the funds appropriated in Military
14 Construction Appropriations Acts may be obligated for ar-
15 chitect and engineer contracts estimated by the Govern-
16 ment to exceed \$500,000 for projects to be accomplished
17 in Japan, in any NATO member country, or in countries
18 bordering the Arabian Gulf, unless such contracts are
19 awarded to United States firms or United States firms
20 in joint venture with host nation firms.

21 SEC. 112. None of the funds appropriated in Military
22 Construction Appropriations Acts for military construc-
23 tion in the United States territories and possessions in the
24 Pacific and on Kwajalein Atoll, or in countries bordering
25 the Arabian Gulf, may be used to award any contract esti-

1 mated by the Government to exceed \$1,000,000 to a for-
2 eign contractor: *Provided*, That this section shall not be
3 applicable to contract awards for which the lowest respon-
4 sive and responsible bid of a United States contractor ex-
5 ceeds the lowest responsive and responsible bid of a for-
6 eign contractor by greater than 20 percent: *Provided fur-*
7 *ther*, That this section shall not apply to contract awards
8 for military construction on Kwajalein Atoll for which the
9 lowest responsive and responsible bid is submitted by a
10 Marshallese contractor.

11 SEC. 113. The Secretary of Defense is to inform the
12 appropriate committees of Congress, including the Com-
13 mittees on Appropriations, of the plans and scope of any
14 proposed military exercise involving United States per-
15 sonnel 30 days prior to its occurring, if amounts expended
16 for construction, either temporary or permanent, are an-
17 ticipated to exceed \$100,000.

18 SEC. 114. Not more than 20 percent of the appro-
19 priations in Military Construction Appropriations Acts
20 which are limited for obligation during the current fiscal
21 year shall be obligated during the last 2 months of the
22 fiscal year.

23 (TRANSFER OF FUNDS)

24 SEC. 115. Funds appropriated to the Department of
25 Defense for construction in prior years shall be available
26 for construction authorized for each such military depart-

1 ment by the authorizations enacted into law during the
2 current session of Congress.

3 SEC. 116. For military construction or family housing
4 projects that are being completed with funds otherwise ex-
5 pired or lapsed for obligation, expired or lapsed funds may
6 be used to pay the cost of associated supervision, inspec-
7 tion, overhead, engineering and design on those projects
8 and on subsequent claims, if any.

9 SEC. 117. Notwithstanding any other provision of
10 law, any funds appropriated to a military department or
11 defense agency for the construction of military projects
12 may be obligated for a military construction project or
13 contract, or for any portion of such a project or contract,
14 at any time before the end of the fourth fiscal year after
15 the fiscal year for which funds for such project were ap-
16 propriated if the funds obligated for such project: (1) are
17 obligated from funds available for military construction
18 projects; and (2) do not exceed the amount appropriated
19 for such project, plus any amount by which the cost of
20 such project is increased pursuant to law.

21 (TRANSFER OF FUNDS)

22 SEC. 118. During the 5-year period after appropria-
23 tions available to the Department of Defense for military
24 construction and family housing operation and mainte-
25 nance and construction have expired for obligation, upon
26 a determination that such appropriations will not be nec-

1 essary for the liquidation of obligations or for making au-
2 thorized adjustments to such appropriations for obliga-
3 tions incurred during the period of availability of such ap-
4 propriations, unobligated balances of such appropriations
5 may be transferred into the appropriation “Foreign Cur-
6 rency Fluctuations, Construction, Defense” to be merged
7 with and to be available for the same time period and for
8 the same purposes as the appropriation to which trans-
9 ferred.

10 SEC. 119. The Secretary of Defense is to provide the
11 Committees on Appropriations of the Senate and the
12 House of Representatives with an annual report by Feb-
13 ruary 15, containing details of the specific actions pro-
14 posed to be taken by the Department of Defense during
15 the current fiscal year to encourage other member nations
16 of the North Atlantic Treaty Organization, Japan, Korea,
17 and United States allies bordering the Arabian Gulf to as-
18 sume a greater share of the common defense burden of
19 such nations and the United States.

20 (TRANSFER OF FUNDS)

21 SEC. 120. During the current fiscal year, in addition
22 to any other transfer authority available to the Depart-
23 ment of Defense, proceeds deposited to the Department
24 of Defense Base Closure Account established by section
25 207(a)(1) of the Defense Authorization Amendments and
26 Base Closure and Realignment Act (Public Law 100–526)

1 pursuant to section 207(a)(2)(C) of such Act, may be
2 transferred to the account established by section
3 2906(a)(1) of the Department of Defense Authorization
4 Act, 1991, to be merged with, and to be available for the
5 same purposes and the same time period as that account.

6 SEC. 121. (a) No funds appropriated pursuant to this
7 Act may be expended by an entity unless the entity agrees
8 that in expending the assistance the entity will comply
9 with sections 2 through 4 of the Act of March 3, 1933
10 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
11 ican Act”).

12 (b) No funds made available under this Act shall be
13 made available to any person or entity who has been con-
14 victed of violating the Act of March 3, 1933 (41 U.S.C.
15 10a–10c, popularly known as the “Buy American Act”).

16 SEC. 122. (a) In the case of any equipment or prod-
17 ucts that may be authorized to be purchased with financial
18 assistance provided under this Act, it is the sense of the
19 Congress that entities receiving such assistance should, in
20 expending the assistance, purchase only American-made
21 equipment and products.

22 (b) In providing financial assistance under this Act,
23 the Secretary of the Treasury shall provide to each recipi-
24 ent of the assistance a notice describing the statement
25 made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

1
2 SEC. 123. Subject to 30 days prior notification to the
3 Committees on Appropriations, such additional amounts
4 as may be determined by the Secretary of Defense may
5 be transferred to the Department of Defense Family
6 Housing Improvement Fund from amounts appropriated
7 for construction in “Family Housing” accounts, to be
8 merged with and to be available for the same purposes
9 and for the same period of time as amounts appropriated
10 directly to the Fund: *Provided*, That appropriations made
11 available to the Fund shall be available to cover the costs,
12 as defined in section 502(5) of the Congressional Budget
13 Act of 1974, of direct loans or loan guarantees issued by
14 the Department of Defense pursuant to the provisions of
15 subchapter IV of chapter 169, title 10, United States
16 Code, pertaining to alternative means of acquiring and im-
17 proving military family housing and supporting facilities.

18 SEC. 124. None of the funds appropriated or made
19 available by this Act may be obligated for Partnership for
20 Peace Programs in the New Independent States of the
21 former Soviet Union.

22 SEC. 125. (a) Not later than 60 days before issuing
23 any solicitation for a contract with the private sector for
24 military family housing the Secretary of the military de-

1 partment concerned shall submit to the congressional de-
2 fense committees the notice described in subsection (b).

3 (b)(1) A notice referred to in subsection (a) is a no-
4 tice of any guarantee (including the making of mortgage
5 or rental payments) proposed to be made by the Secretary
6 to the private party under the contract involved in the
7 event of—

8 (A) the closure or realignment of the installa-
9 tion for which housing is provided under the con-
10 tract;

11 (B) a reduction in force of units stationed at
12 such installation; or

13 (C) the extended deployment overseas of units
14 stationed at such installation.

15 (2) Each notice under this subsection shall specify
16 the nature of the guarantee involved and assess the extent
17 and likelihood, if any, of the liability of the Federal Gov-
18 ernment with respect to the guarantee.

19 (c) In this section, the term “congressional defense
20 committees” means the following:

21 (1) The Committee on Armed Services and the
22 Military Construction Subcommittee, Committee on
23 Appropriations of the Senate.

1 (2) The Committee on Armed Services and the
2 Military Construction Subcommittee, Committee on
3 Appropriations of the House of Representatives.

4 (TRANSFER OF FUNDS)

5 SEC. 126. During the current fiscal year, in addition
6 to any other transfer authority available to the Depart-
7 ment of Defense, amounts may be transferred from the
8 account established by section 2906(a)(1) of the Depart-
9 ment of Defense Authorization Act, 1991, to the fund es-
10 tablished by section 1013(d) of the Demonstration Cities
11 and Metropolitan Development Act of 1966 (42 U.S.C.
12 3374) to pay for expenses associated with the Home-
13 owners Assistance Program. Any amounts transferred
14 shall be merged with and be available for the same pur-
15 poses and for the same time period as the fund to which
16 transferred.

17 SEC. 127. Notwithstanding this or any other provi-
18 sion of law, funds appropriated in Military Construction
19 Appropriations Acts for operations and maintenance of
20 family housing shall be the exclusive source of funds for
21 repair and maintenance of all family housing units, includ-
22 ing flag and general officer quarters: *Provided*, That not
23 more than \$25,000 per unit may be spent annually for
24 the maintenance and repair of any general or flag officer
25 quarters without 30 days advance prior notification of the
26 appropriate committees of Congress: *Provided further*,

1 That the Under Secretary of Defense (Comptroller) is to
2 report annually to the Committees on Appropriations all
3 operations and maintenance expenditures for each indi-
4 vidual flag and general officer quarters for the prior fiscal
5 year.

6 SEC. 128. The Army, Navy, Marine Corps, and Air
7 Force are directed to submit to the appropriate commit-
8 tees of the Congress by July 1, 2001, a Family Housing
9 Master Plan demonstrating how they plan to meet the
10 year 2010 housing goals with traditional construction, op-
11 eration and maintenance support, as well as privatization
12 initiative proposals. Each plan shall include projected life
13 cycle costs for family housing construction, basic allow-
14 ance for housing, operation and maintenance, other associ-
15 ated costs, and a time line for housing completions each
16 year.

17 (TRANSFER OF FUNDS)

18 SEC. 129. During fiscal year 2001, in addition to any
19 other transfer authority available to the Department of
20 Defense, funds appropriated in the Military Construction
21 Appropriations Act, 2000 (Public Law 106–52; 113 Stat.
22 259) under the heading “MILITARY CONSTRUCTION,
23 NAVAL RESERVE” and still unobligated may be trans-
24 ferred to the account for “MILITARY CONSTRUCTION,
25 NAVY”. Amounts transferred under this section shall be
26 merged with, and be available for the same period as, the

1 amounts in the account to which transferred and shall be
2 available to construct, under the authority of section 2805
3 of title 10, United States Code, an elevated water storage
4 tank at the Naval Support Activity Midsouth, Millington,
5 Tennessee.

6 SEC. 130. Notwithstanding any other provision of
7 law, the Secretary of the Navy is authorized to use funds
8 received pursuant to section 2601 of title 10, United
9 States Code, for the construction, improvement, repair,
10 and maintenance of the historic residences located at Ma-
11 rine Corps Barracks, 8th and I Streets, Washington, D.C.:
12 *Provided*, That the Secretary notifies the appropriate com-
13 mittees of Congress 30 days in advance of the intended
14 use of such funds.

15 This Act may be cited as the “Military Construction
16 Appropriations Act, 2001”.

Passed the House of Representatives May 16, 2000.

Attest: JEFF TRANDAHL,
Clerk.

Calendar No. 554

106TH CONGRESS
2D SESSION

H. R. 4425

AN ACT

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

MAY 17, 2000

Received; read twice and placed on the calendar